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REMARKS

Applicants appreciate the thorough examination of the present application as evidenced by the Office Action of December 27, 2006. Applicants have amended Claims 1, 8, 15, 26, 31 and 36 as set out above. In particular, Independent Claims 1, 8 and 15 have been amended to include the recitations of dependent Claims 2, 9, and 16 and dependent Claims 2, 9 and 16 have been cancelled from the present application. Independent Claims 26, 31 and 36 have been amended to include the recitations with respect to a status of power of a source of energy. Furthermore, dependent Claims 3, 4, 10, 11, 12, 17 and 18 have been amended to conform the dependencies thereof to the cancellation of Claims 2, 9 and 16. Claims 32 and 38 have also been amended to coordinate with the amendments of Claim 31 and 36. Accordingly, Applicants submit that the amended independent claims and the claims that depend therefrom are in condition for allowance for at least the reasons discussed herein.

The Section 112 Rejection

Claims 9-12 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. *See* Office Action, page 2. In particular, the Office Action states that "[i]n claim 9, line 2 'and/or' is indefinite." *See* Office Action, page 2. Applicants have amended Claim 8 to include the recitations of Claim 9 and cancelled Claim 9 from the present application. Furthermore, the term "and/or" no longer appears in the claims. Accordingly, Applicants respectfully submit that the objection with respect to Claim 9 and the claims that depend therefrom has been obviated for at least the reasons discussed herein.

The Section 102/103 Rejections

Claims 1, 5, 7, 8 and 14 stand rejected under 35 U.S.C. §102(b) as being anticipated by United States Patent No. 6,380,852 to Hartman *et al.* (hereinafter "Hartman"). *See* Office Action, page 2. Furthermore, Claims 2-4, 6, 9-13 and 15-38 stand rejected under 35 U.S.C. § 103 as being on patentable over Hartman in view of United States Patent No. 6,894,622 to Germagian *et al.* (hereinafter "Germagian"). Since Applicants have incorporated the recitations of Claims 2 and 9 into independent Claims 1 and 8 respectively, Applicants will only address the 103 rejections. Applicants respectfully submit that many of the recitations

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of the independent claims are neither disclosed nor suggested by the cited combination. For example, amended independent Claim 1 recites:

A power outlet assembly, comprising:
a frame;
a power outlet attached to the frame and configured to be connected to a power distribution network to provide access thereto; and
an indicator circuit attached to the frame, configured to be coupled to the power distribution network and operative to generate a sensory indication responsive to a power line carrier status signal received from the power distribution network, the power line carrier status signal indicating a status of a source of energy for the power distribution network.

Independent Claims 8, 15, 22, 26, 31 and 36 all contain similar recitations to the highlighted recitations of Claim 1. Applicants respectfully submit that at least the highlighted recitations of Claim 1 are neither disclosed nor suggested by the cited references for at least the reasons discussed herein.

In particular, the Office Action admits that Hartman does not disclose or suggest that the power line carrier status signal indicated a status of a source of power. *See* Office Action, page 3. However, the Office Action points to Germagian as providing the missing teachings. *See* Office Action, page 3. Applicants respectfully disagree. In particular, Hartman discusses a "switchable" outlet and related methods and systems. As discussed in the Abstract of Hartman, the apparatus of Hartman may temporarily disable a noise producing electrical device (plugged into the switchable outlet), such as a vacuum or hairdryer, so as to allow detection of something that cannot be heard over the sound of the noise producing device, such as a doorbell, a telephone, a baby crying and the like. *See* Hartman, Abstract. In other words, responsive to an indication that, for example, the doorbell is ringing, the switchable outlet of Hartman may be configured to remove power from the noise producing device, for example, a television, so as to allow the user to hear the doorbell. In stark contrast to Hartman, Claim 1 recites a power line carrier status signal indicating a status of a source of energy. In other words, the power line carrier status signal indicates if a source of energy is available to, for example, a power outlet. Thus, in contrast to Hartman, the power line carrier status signal indicates whether or not an energy source is available from one or more energy sources (*i.e.* status), it does not remove power from the outlet as discussed in Hartman. Thus, independent Claims 1, 8, 15, 22, 26, 31 and 36 and the claims that depend therefrom are patentable over Hartman for at least these reasons.

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Furthermore, some of the independent claims as well as some of the dependent claims, for example, independent Claims 1, 8 and 15 and dependent Claims 23 and 33, further recite some form of indicating the status of power responsive to a power line carrier status signal. For example, as set out above, amended independent Claim 1 recites "an indicator circuit attached to the frame, configured to be coupled to the power distribution network and operative to generate a sensory indication responsive to a power line carrier status signal received from the power distribution network." Nothing in Hartman discusses such an indication. The Office Action points to points to element 192 of Figure 5 of Hartman as providing such an indication. *See* Office Action, page 2. However, Hartman discusses a visual or audible alert that, for example, the doorbell is ringing. *See* Hartman, column 8, lines 65-68. Nothing in Hartman discusses an indication of a status of a source of energy as recited in, for example, Claim 1. Thus, these claims are patentable over Hartman for at least these additional reasons.

The Office Action points to Germagian as providing the missing teachings. Applicants respectfully disagree. Germagian discusses a method and apparatus for delivering uninterrupted power as recited in the title thereof. In particular, Germagian discusses an uninterruptible power supply (UPS) having a housing configured to reduce bunching of cables as recited in the summary of the invention. *See e.g.*, column 2, lines 30-48. One of the embodiments discussed in Germagian discusses a plurality of lights (LEDs) used as "status indicators of the various states of the UPS 300." *See* Germagian, column 5, lines 1-2 (emphasis added). Thus, Germagian discusses including LEDs on UPS that indicated whether the UPS is plugged in, on battery, and the like. The LEDs only reflect the UPS and the present state thereof. In contrast, Claim 1 of the present invention recites "... a power line carrier status signal received from the power distribution network, the power line carrier status signal indicating a status of a source of energy for the power distribution network." Nothing in Germagian discloses or suggests a power line carrier signal that indicates a status of a source of energy for the power distribution network as recited in Claim 1.

Accordingly, none of the cited references either alone or in combination disclose or suggest many of the recitations of Claim 1 set out above. Furthermore, there is no motivation or suggestion to combine the cited references as suggested in the Office Action. As affirmed by the Court of Appeals for the Federal Circuit in *In re Sang-su Lee*, a factual

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question of motivation is material to patentability, and cannot be resolved on subjective belief and unknown authority. See *In re Sang-su Lee*, 277 F.3d 1338 (Fed. Cir. 2002). It is improper, in determining whether a person of ordinary skill would have been led to this combination of references, simply to "[use] that which the inventor taught against its teacher." *W.L. Gore v. Garlock, Inc.*, 721 F.2d 1540, 1553, 220 U.S.P.Q. 303, 312-13 (Fed. Cir. 1983).

The Office Action states:

It would have been obvious to provide an indication of energy source as suggested by Germagian in conjunction with a carrier status signal as disclosed by Hartman, in order to allow a user to be aware that a power source might be of a temporary nature, in order that patient could have been stabilized of files saved before a power outage occurred.

See Office Action, page 3. This motivation is, at most, a motivation based on "subjective belief and unknown authority," the type of motivation that was rejected by the Federal Circuit in *In re Sang-su Lee*. In other words, the Office Action does not point to any specific portion of the cited references that would induce one of skill in the art to combine the cited references as suggested in the Office Action. In fact, the Office Action uses the teachings of the present application as a motivation to combine the references as suggested in the Office Action. Accordingly, the statement in the Office Action with respect to motivation does not adequately address the issue of motivation to combine as discussed in *In re Sang-su Lee*. Again, it appears that the Office Action gains its alleged impetus or suggestion to combine the cited references by hindsight reasoning informed by Applicants' disclosure, which, as noted above, is an inappropriate basis for combining references.

Furthermore, as discussed above, Hartman discusses an apparatus that may temporarily disable a noise producing electrical device (plugged into the switchable outlet), such as a vacuum or hairdryer, so as to allow detection of something that cannot be heard over the sound of the noise producing device, such as a doorbell, a telephone, a baby crying and the like. Germagian discusses a UPS having a new configuration that reduces the likelihood of cord bunching and may provide LEDs indicating a status thereof. Nothing in the cited references or the art itself would motivate a person of skill in the art to combine the disabling apparatus of Hartman with the UPS of Germagian. Furthermore, even if Hartman and Germagian could be properly combined, the combination of Hartman and Germagian would not disclose or suggest the teachings of the claims of the present application.

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Accordingly, even if the cited references could be properly combined, the cited combination fails to disclose or suggest the recitations of Claim 1 for at least the reasons discussed herein.

Accordingly, Applicants respectfully submit that Independent Claims 1, 8, 15, 22, 26, 31 and 36 are patentable over the cited combination for at least the reasons discussed herein. Furthermore, the dependent claims are patentable at least per the patentability of Independent base Claims 1, 8, 15, 22, 26, 31 and 36 from which they depend. Accordingly, Applicants submit that Independent Claims 1, 8, 15, 22, 26, 31 and 36 and the claims that depend therefrom are in condition for allowance, which is respectfully requested in due course.

Many of the dependent claims are separately patentable

As discussed above, the dependent claims are patentable at least per the patentability of the independent base claims from which they depend. However, many of the dependent claims are separately patentable over the cited combination for at least the reasons discussed herein.

For example, Claim 4 recites "wherein in the source of energy comprises at least one of a current source of energy and a potential source of energy." Claims 10, 18, 24, 29 and 35 contain similar recitations. The Office Action states that Germagian at column 5, lines 3 and 15 provides the teachings of Claim 4. *See* Office Action, page 3. Nothing in the cited portion of Germagian discloses or suggests "a potential source of energy" as recited in Claim 4. Accordingly, Claims 4, 10, 18, 24, 29 and 35 are separately patentable over the cited references for at least these additional reasons.

Furthermore, Claim 11 recites "wherein the indicator circuit is further configured to generate the sensory indication responsive to the power line carrier status signal when the indicator circuit electrically contacts an external probe device." The Office Action points to element 114 of Hartman as providing the teachings of a probe as recited in Claim 11. *See* Office Action, page 3. In fact, element 114 is wall receptacle. *See* Hartman, column 5, line 19. Accordingly, Claim 11 is separately patentable over the cited references for at least these additional reasons.

As a final note, the Office Action only specifically discusses Claims 1, 4-6, 7, 8, 11 and 14. Accordingly, Applicants cannot adequately address the rejections of the remaining claims.

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CONCLUSION

Applicants respectfully submit that pending claims are in condition for allowance for at least the reasons discussed above. Thus, allowance of the pending claims is respectfully requested in due course. Favorable examination and allowance of the present application is respectfully requested.

Respectfully submitted,



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